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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,152	03/08/2001	Hideji Tajima	10287.41	6205

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EXAMINER	
FORMAN, BETTY J	

ART UNIT	PAPER NUMBER
1634	

DATE MAILED: 03/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/802,152	TAJIMA, HIDEJI	
	Examiner	Art Unit	
	BJ Forman	1634	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) *8-21,30-35 and 39-49* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,22-29 and 36-38* is/are rejected.

7)☒ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☒ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Restrictions

1. Applicant's election with traverse of Group I in Paper No. 6 is acknowledged. The traversal is on the grounds(s) that the inventions are capable of use together, and/or do not have different modes of operation, different functions or different effects. The argument has been considered but is not found persuasive because Application did not specifically point out how the inventions are capable of use together or how the inventions have the same modes of operation, the same functions or the same effects. Additionally, as stated in the Restriction Requirement and reiterated below, the different inventions are not disclosed as capable of use together and they have different modes of operation and/or different functions. Specifically, the support of Invention I operates as a layered or rolled surface for chemical attachment; the DNA support of Invention II operates and a flat substrate and functions as an attachment surface for DNAs; the vessel of Invention III operates as an arrangement of members; the permeable membrane of Invention IV operates as an arrangement of porous or irregular members; the integrated medium storing fluid passage of Invention V operates by pressure control means and functions to provide fluid passage; and the magnetic separation device of Invention VI operates by magnetic means and functions to apply and remove magnetic fields.

The requirement is still deemed proper and is therefore made FINAL. Claims 8-21, 30-35, 39-49 are withdrawn from consideration.

Claims 1-7, 22-29 and 36-38 are currently under prosecution and discussed.

Priority

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119 (e) as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)).

Claim Objections

3. Claim 7 is objected to because "homoiothermal" is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-7, 22-29 and 37-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 1-7 are indefinite in Claim 1 because the claim recites numerous limitations connected by "or" and/or commas such that it is unclear what limitations are being claimed in the alternative. It is suggested that Claim 1 be amended to clarify e.g. recite the limitations using Markus grouping e.g. "an integrated support comprising at least one base member said base member selected from the group consisting of a thread shape, a tape shape, or long and slender rod shape".

b. Claims 1-7 are indefinite in Claim 1 for the recitation "so that a fixed location of each substance for detection corresponds to the chemical structure thereof" because it isn't clear

whether the substance is "fixed" or is merely intended (i.e. "so that") it be "fixed" at some time in the future. It is suggested that Claim 1 be amended to clarify.

c. Claims 1-7 are indefinite in Claim 1 for the recitation "and a variety of substances for detection of predetermined chemical structure which are fixed side by side along the length of said base member" because the it is unclear what is fixed along the base member. Specifically it is unclear whether the "variety of substances" or the "chemical structure" being detected is fixed along the base member. It is suggested that Claim 1 be amended to clarify e.g. replace "which" with "wherein said variety of substances" (page 30, lines 21-25).

d. Claims 1-7 are indefinite in Claim 1 for the recitation "so that a fixed location of each substance for detection corresponds to the chemical structure thereof" because "corresponds" is a non-specific relational term and therefore the relationship between the "fixed location" and the "chemical structure" is undefined. It is suggested that Claim 1 be amended to define the relationship e.g. replace "corresponds to" with "identifies".

e. Claims 2-7 are indefinite in Claim 2 because the claim recites numerous limitations connected by "or" and/or commas and therefore it is unclear what limitations are being claimed in the alternative. It is suggested that Claim 2 be amended to clarify e.g. recite the limitations using Markus grouping e.g. "said cavity sections selected from the group consisting of a channel with a bottom, a channel without a bottom, an aperture, a capillary, holding sections of a porous material .....".

f. Claim 3 is indefinite for the recitation "in such a way that" because it is unclear whether the base member actually enables or prevents expansion or whether it is arranged in a manner that is intended to enable or prevent expansion at some time in the future. It is suggested that the claim be amended to clarify.

g. Claim 5 is indefinite for the recitation "in such a way that" because it is unclear

whether the base member is releasable or non-releasable or whether it is arranged in a manner that is intended to provide for release or non-release at some time in the future. It is suggested that the claim be amended to clarify.

h. Claim 7 is indefinite for the recitation "a linear homoiothermal member" because "homoiothermal" is an unknown term which renders the recitation indefinite. The term may be a misspelling of the term "isothermal" which is understood. However, "homoisothermal" is not understood because both "homo" and "iso" are prefixes which mean "the same" or "similar" but the combination of the two prefixes "homoiso" appears to be redundant and is confusing. It is suggested that Claim 7 be amended to clearly define the linear member as described in the specification.

i. Claims 22-29 are indefinite in Claim 22 for the recitation "and the location of respective substances for detection" because "respective" is a non-specific relational term and therefore the relationship between the "location" and the "substances for detection" is undefined. It is suggested that Claim 22 be amended to define the relationship e.g. replace "respective" with "fixed".

j. Claims 22-29 are indefinite in Claim 22 for the recitation "and the chemical structures are made to correspond" because it is unclear whether the recitation is a method step for making the "chemical structures" correspond to the "substances for detection". The recitation is further indefinite because "correspond" is a non-specific relational term and therefore the relationship between the "chemical structures" and the "substances for detection" is undefined. It is suggested that Claim 22 be amended to define the relationship e.g. replace "and the chemical structures are made to correspond" with "of the chemical structures are detected".

k. Claims 23-29 are indefinite in Claim 23 because the claim recites numerous limitations connected by "or" and/or commas such that it is unclear what limitations are being claimed in the alternative. It is suggested that Claim 23 be amended to clarify e.g. recite the

limitations using Markus language e.g. "wherein said base member is selected from the group consisting of a thread shape, a tape shape, or long and slender rod shape".

l. Claim 24 is indefinite for the recitation "each suspension or semiliquid incorporating a substance for detecting" because "each suspension or semiliquid" lacks proper antecedent basis in Claims 22 or 23. It is suggested that Claim 24 be amended to provide proper antecedent basis e.g. replace "each" with "a".

m. Claims 25 and 25 are indefinite for the recitation "in such a way that" because it is unclear whether the base member actually enables or prevents expansion or whether it is arranged in a manner that is intended to enable or prevent expansion at some time in the future. It is suggested that the claim be amended to clarify.

n. Claim 28 is indefinite for the recitation "in such a way that" because it is unclear whether the base member is releasable or non-releasable or whether it is arranged in a manner that is intended to provide for release or non-release at some time in the future. It is suggested that the claim be amended to clarify.

o. Claims 37-38 are indefinite in Claim 37 for the recitation "a processing step for conducting processing" because it is unclear what is processed and it is unclear what type of process is performed. It is suggested that Claim 37 be amended to clarify e.g. replace "conducting processing" with "detecting a substance" (page 3, lines 26-34).

p. Claim 38 is indefinite for the recitation "on the layer surface thereof" because both "layer" and "layer surface" lack proper antecedent basis in Claim 37. It is suggested that Claim 38 be amended to provide proper antecedent basis e.g. replace "the layer" with "a".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 22-25 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Dehlinger (U.S. Patent No. 5,763,263, issued 9June 1998).

Claims 1-6 are broadly drawn to an integrated support. The claims recite numbers limitations in the alternative wherein the alternative limitations encompass all possible structures e.g. a channel with or without a bottom encompasses any channel; an arrangement that either enable or prevents expansion encompasses any arrangement; and a base member is either releasable or non-releasable. The courts have stated that claims must be given their broadest reasonable interpretation consistent with the specification *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997); *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969); and *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (see MPEP 2111). The claims are given their broadest reasonable interpretation consistent with the broadly drawn claims.

Regarding Claim 1, Dehlinger discloses an integrated support comprising at least one rod shaped long and slender base member and a variety of substrates for detection of predetermined chemical structure which are fixed side by side along the length of said base member and said base member is arranged to give integration so that a fixed location of each substance for detection corresponds to the chemical structure thereof (Column 3, line 54-Column 4, line 11).

Regarding Claim 2, Dehlinger discloses the integrated support wherein said base member is provided with cavity sections comprising a channel with or without a bottom

(Column 3, line 65-Column 4, line 5 and Fig. 2c) and wherein said substances for detection are fixed to said cavity sections (Column 4, line 65-Column 5, line 4).

Regarding Claim 3, Dehlinger discloses the support wherein said base member is arranged in such a what the either prevents or enables expansion (i.e. matrix embedded) while bringing side portions into contact with each other or maintaining spacing or sandwiching i.e. the tubes are arranged in a close-packed array and bonded or embedded in a matrix (Column 8, lines 18-27).

Regarding Claim 4, Dehlinger discloses the support wherein markings (i.e. fluorescent labels) are attached to said base member for identifying the chemical structure (Column 18, lines 28-45).

Regarding Claim 5, Dehlinger discloses the support further comprising a binding section and an auxiliary member (i.e. cassette) in a manner which is either releasable or non-releasable (Column 7, lines 56-65 and Column 8, lines 17-26).

Regarding Claim 6, Dehlinger discloses the support wherein said binding section is an adhesive portion for bonding side portion of said base member (i.e. heat-adhesive coating) (Column 8, lines 20-23).

Claims 22-25 and 27-29 are broadly drawn to a method of manufacturing an integrated support comprising positioning steps and integrations steps wherein no specific order for performing the steps is recited. The claims recite numbers limitations in the alternative wherein the alternative limitations encompass numerous and sometimes all possible structural combinations and/or techniques e.g. rolling, laminating or arranging said base member; thread shaped, string shaped, tape shaped or rod shaped; is positioned by being painted, dispensed, imprinted, drawn up, impregnated or stored; in such a way that either enable or prevents expansion; and a base member is either releasable or non-releasable. The courts have stated that claims must be given their broadest reasonable interpretation consistent with the specification *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997);

In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969); and *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (see MPEP 2111). The claims are given their broadest reasonable interpretation consistent with the broadly drawn claims.

Regarding Claim 22, Dehlinger discloses a method of manufacturing an integrated support comprising a positioning step for positioning and fixing substances on at least one base member and an integration steps for arranging said base members to give integration and location of the respective substances i.e. Dehlinger arranges the tubes (Column 8, lines 17-33) and positions and fixes the substances in the tubes (Column 8, line 57-Column 9, line 49).

Regarding Claim 23, Dehlinger discloses the method wherein said base member is a rod shaped long and slender member i.e. tube (Column 7, lines 41-47).

Regarding Claim 24, Dehlinger discloses the method wherein said positioning is positioned by being dispensed (i.e. ink jet) (Column 9, lines 36-49) and/or by being drawn up (Column 10, lines 27-57).

Regarding Claim 25, Dehlinger discloses the method wherein the integration comprises arranging in such a what the either enables or prevents expansion while sandwiching an auxiliary member (i.e. matrix) to give integration (Column 8, lines 17-33).

Regarding Claim 27, Dehlinger discloses the method wherein said positioning is positioned by being dispensed (i.e. ink jet) (Column 9, lines 36-49) and/or by being drawn up (Column 10, lines 27-57) into a plurality of cavity sections of channels (i.e. tubes) having a material with an irregular surface or an impregnating material i.e. the inner surface is cylindrical or any other geometry which is filled with the reagent solution (Column 7, lines 41-47).

Regarding Claim 28, Dehlinger discloses the method wherein in the integrating step, said base member and auxiliary member are bound in such a way that is either releasable or non-releasable i.e. matrix embedded (Column 8, lines 23-27).

Regarding Claim 29, Dehlinger discloses the method wherein in the positioning step said substances are fixed and supported onto said base member by drying i.e. following the fixation, pressurized air is supplied to the tubes to discharge reagent solution i.e. dry (Column 11, lines 22-26).

8. Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by Lipshutz et al (U.S. Patent No. 5,856,174, issued 5 January 1999).

Regarding Claim 36, Lipshutz et al discloses a method of using an integrated medium wherein by passing a heating fluid or cooling fluid through an integrated support, the integrated support is heated or cooled respectively i.e. Lipshutz et al disclose a PCR method wherein fluid is passed though the integrated support i.e. capillary array to thereby heat and/or cool the support (Column 12, lines 5-15 and Column 19, lines 7-12).

9. Claims 37 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Dehlinger (U.S. Patent No. 5,759,779, issued 2 June 1998).

Regarding Claim 37, Dehlinger disclose a method of using an integrated medium comprising: a processing step (i.e. introducing a analyte into the tube array) and a measuring step (i.e. measuring the detectable reporter) (Column 3, lines 3-36 and Claims 1-6).

Regarding Claim 38, Dehlinger discloses the method wherein the measuring involves identification of an absolute location on the surface i.e. address-specific position is detected and measured (Column 4, lines 59-62 and Claim 6).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dehlinger (U.S. Patent No. 5,763,263, issued 9 June 1998) in view of Lipshutz et al (U.S. Patent No. 5,856,174, issued 5 January 1999).

Regarding Claim 7, Dehlinger teaches an integrated support comprising at least one rod shaped long and slender base member and a variety of substrates for detection of predetermined chemical structure which are fixed side by side along the length of said base member and said base member is arranged to give integration so that a fixed location of each substance for detection corresponds to the chemical structure thereof (Column 3, line 54-Column 4, line 11) wherein the integrated support is heated i.e. an assay within the integrated support is performed at 37° C followed by heating to denature tube contents (Column 20, lines 5-13) but they do not specifically teach the support comprises a thermal member embedded inside said base and/or auxiliary member. Lipshutz teaches a similar integrated support comprising a rod shaped long and slender base member (i.e. capillaries Column11, lines 59-64) and a variety of substances fixed side by side along the length of said base member wherein said base member is arranged to give integration and wherein a thermal member is embedded inside said base member for heating (Column 19, lines 1-4) wherein the thermal member is linear i.e. temperature control block whereby the embedded thermal member provides rapid heating (Column 18, lines 55-65 and Fig. 8). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the integrated support of

Dehlinger by embedding a thermal member as taught Lipshutz et al thereby integrating the heating means into the assay means of Dehlinger. The skilled practitioner would have been motivated to integrate the heating and assay means into a single structural unit for the expected benefits of rapid and controlled reagent heating as needed as taught by Lipshutz et al. (Column 18, lines 63-65) and therefore for the obvious benefits of speed and assay control. Additionally, the courts have stated "that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice." (see *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). Therefore, It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the integrated support of Dehlinger by integrating into the support their heating means because integration of means into a one piece structure would be merely a matter of obvious engineering choice.

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dehlinger (U.S. Patent No. 5,759,779, issued 2 June 1998) in view of Anderson et al (U.S. Patent Application No. 2002/0015952, filed 1 February 2001).

Regarding Claim 26, Dehlinger teaches a method of manufacturing an integrated support comprising a positioning step for positioning and fixing substances on at least one base member and an integration steps for arranging said base members to give integration and location of the respective substances i.e. Dehlinger arranges the tubes (Column 8, lines 17-33) and positions and fixes the substances in the tubes (Column 8, line 57-Column 9, line 49). Additionally they teach the method wherein said base member is a thin sheet i.e. glass cover slip (Column 8, lines 34-39), said substances are positioned on said base member in approximate lines i.e. ribs (Column 8, lines 39-44) and said integration step involves arranging

in a way that either enables or prevents expansion i.e. bonded (Column 8, lines 34-44) but they do not teach a cutting step wherein said base member is sliced. Anderson et al teach a similar method comprising a positioning step for positioning and fixing substances and an integration step for arranging said base members (pages 6-7, paragraphs 0086-0088) wherein the method further comprises a step of cutting in which the integrated base member is sliced to form a plurality of integrated supports (page 2, paragraph 0018). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the integrated support of Dehlinger by slicing a needed portion from the support thereby providing a surface for substance analysis and saving the remaining support for later slicing and substance analysis. Specifically, slicing the support of Dehlinger would economize time and labor because numerous and identical surfaces for substance analysis are provided from manufacture of a single integrated support. Additionally, the identical surfaces can be stored before slicing thereby providing numerous and identical surfaces for substrate analysis over time (Anderson et al, page 19, paragraph 0220).

Double Patenting

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/909,186. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claimed are drawn to an integrated support comprising at least one elongated member i.e. tread, string, tape, rod, slender base, filament or braid member having various substance for detection of predetermined chemic structures affixed thereto and they differ only in the '186 claims are drawn to rolled base member and the instant claims are drawn to rolled, laminated or arranged base members. The '186 base member and the instant base member are related as specie and genus because the rolled base member is one species of the instantly claimed rolled, laminated or arranged base members. The courts have stated that a genus is obvious in view of the teaching of a species see Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); and In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). Therefore the instantly claimed rolled, laminated or arranged (i.e. genus) base members is obvious in view of the '186, rolled (i.e. species) base member.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

15. No claim is allowed.

16. The examiner's Art Unit has changed from 1655 to 1634. Please address future correspondence to Art Unit 1634.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (703) 306-5878. The examiner can normally be reached on 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on (703) 308-1152. The fax phone numbers for the organization where this

application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-8724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

BJ Forman, Ph.D.
Patent Examiner
Art Unit: 1634
March 7, 2002